The background of the slide features a series of overlapping, wavy lines in various shades of green, ranging from light lime to a darker forest green. These lines create a sense of movement and depth, flowing across the page from left to right.

LEPCs - Why You Need One For Community Hazardous Materials Response Preparedness

Timothy R Gablehouse

Member, Colorado Emergency
Planning Committee (SERC);
President, Colorado Emergency
Preparedness Partnership, Inc.;
NASTTPO Board Member

EPCRA - THREE DISTINCT STATUTES

- **CREATED IN 1986, LEPCS HAVE THE POWER TO OBTAIN INFORMATION**
 - **CONSISTENT WITH DERA AUTHORITY**
- **EMERGENCY PLANNING & REPORTING §303-304**
 - **PARTICIPATE AND INFORM ALL-HAZARDS PLANNING**
- **COMMUNITY RIGHT-TO-KNOW §311-312**
 - **TIER II FORMS**
- **TOXIC RELEASE INVENTORY §313**

FORWARD TO 2020

- **HAS MUCH CHANGED SINCE 1986?**
- **ARE COMMUNITIES AWARE AND PREPARED?**
- **HOW DO WE KNOW IF WE ARE DOING A GOOD JOB?**
- **ARE WE SERVING THE WHOLE COMMUNITY?**
- **STILL EVALUATED IN 20/20 HINDSIGHT**

LET'S GET SOME PERSPECTIVE

- **IN MOST PLACES A “ROUTINE” ACCIDENT IS THE GREATEST RISK**
 - **RESPONDERS, PUBLIC & WORKERS STILL ROUTINELY HURT**
 - **TOO MUCH RELIANCE ON STANDARDS, LISTS & THRESHOLDS TO DEFINE RISK**
 - **PUBLIC DOES NOT HAVE A SENSE OF RESPONSIBILITY - MISINFORMATION**
 - **PLANNING GAPS - FUNCTIONAL NEEDS, DISABILITIES & NON-ENGLISH SPEAKERS**
 - **TOO RELIANT ON OUR SOPS**

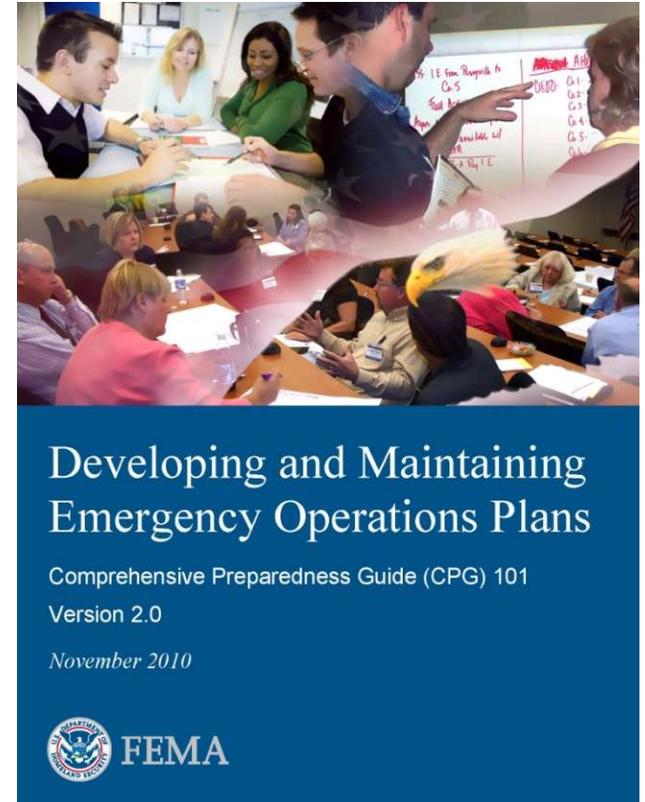


FEMA GUIDANCE – CPG 101

“When threatened by ... emergencies or disasters, people expect elected or appointed leaders to take immediate action...

They expect the government to marshal its resources... and solicit assistance from outside the jurisdiction if necessary.

The elected leaders in each jurisdiction are legally responsible for ensuring that ... actions are taken to protect people and property...”



CONTINUITY GUIDANCE CIRCULAR

“Planning across the full range of continuity operations is an inherent responsibility of every level of government.”

“[E]nsure that essential functions continue to be performed...”

“Essential functions ... cannot be deferred during an emergency; ... legally mandated functions will be essential ...”



Continuity Guidance Circular

February 2018

FEMA National Continuity Programs



THE PLANNING PROCESS

- **THE MOST RISKY PART OF EOPs**
 - **THE PLANNING PROCESS IS WHERE CIVIL RIGHTS LAWSUITS COME FROM**
 - **KATRINA CASES**
 - **AMERICAN'S WITH DISABILITIES ACT**
- **CAN'T BE DONE IN A VACUUM**
 - **MUST EVALUATE RISKS, HAZARDS AND CAPABILITIES IN THE COMMUNITY**
 - **MUST PLAN FOR VULNERABLE POPULATIONS**
 - **THE PLANNING PROCESS NEEDS TO INCLUDE THOSE IMPACTED BY THE PLAN**
 - **INVITATION FOR LAWSUIT IF NOT**



WHAT ARE THE STANDARDS FOR THE PLANNING PROCESS?

- **NRF & NIMS (AND YOUR OWN PLANS)**
- **CPG 101**
- **FEMA CONTINUITY GUIDANCE CIRCULAR**
- **HHS Toolkit**
- **STATE PLANS & AGREEMENTS**
- **NFPA 1600**
 - **APPLIES TO GOVERNMENT SERVICES**
 - **EMERGENCY MANAGEMENT AND “BUSINESS” CONTINUITY**
 - **NEW DRAFT INCORPORATES APELL APPROACH**
- **APELL**





UNEP



APELL

AWARENESS AND PREPAREDNESS FOR EMERGENCIES AT LOCAL LEVEL

*A process for improving
community awareness and
preparedness for technological
hazards and environmental
emergencies*

UNITED NATIONS ENVIRONMENT PROGRAMME



2ND EDITION – 2015

HOW TO GET SUED & LOSE

- ▶ **FAIL TO BE CERTAIN EVACUATION, SHELTERING, COMMUNICATION AND TRANSPORTATION PLANS WORK**
- ▶ **FAIL TO BE SURE THAT PROTECTED PERSONS HAVE “ACCESS” TO SERVICES**
 - ▶ **AVAILABILITY ISN'T ENOUGH**
- ▶ **FAIL TO INVOLVE NON-ENGLISH SPEAKING COMMUNITIES**
- ▶ **FAIL TO INCORPORATE SERVICE ANIMALS IN PLANNING**
 - ▶ **CO-MINGLED VS CO-LOCATED**

WHAT IS THE LEPC ROLE?

- **WHAT IS UNIQUE ABOUT LEPCS?**
- **WHAT ARE THE LEGAL AUTHORITIES?**
- **COMMUNITY-BASED ASSESSMENT OF RISKS AND CAPABILITIES**
- **FORUM FOR DISCUSSION AND COMMUNICATION**
- **DO NOT HAVE TO LEAD BUT MUST PARTICIPATE**
- **OPPORTUNITY TO LIMIT LIABILITY IN COLORADO**

GOLDEN RULES FOR LEPCS

- **Know the hazards in your community.**
 - **Where there are hazardous substances?**
 - **What are the natural hazards?**
 - **What are the response capabilities?**
 - **What are the public capabilities?**
- **Educate public and business**
 - **What can happen to you?**
 - **What are their obligations?**
- **Create participation and cooperation**
 - **Public, authorities & industry**
 - **Have high expectations**



QUESTIONS

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